THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15490 OF 2006

BETWEEN:

T.Radhabai

..Petitioner

vs.

Stage.I Returning Officer of Grampanchayat, Bhatpalli, Asifabad Reveue Division and others

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15490 OF 2006

ORAL ORDER

For an election to the post of Sarpanch of Bhatpalli Gram Panchayat, Kagaznagar Mandal, Adilabad District scheduled on 29-07-2006, the petitioner filed a nomination. The nomination of the petitioner was rejected by the 1st respondent on the ground that she suffered disqualification under Sec. 19(3) of the Panchayat Raj Act,1994 since she has more than two children including the third child, born after 30-05-1995.

Aggrieved thereby the petitioner preferred an appeal to the 2nd respondent, who, the petitioner alleges, erroneously and without due application of mind has rejected the appeal by order dated.22-07-2006. The petitioner contends that the date of birth of third child is wrongly taken into consideration and the correct date of birth of third child is 15-04-1995. On this factual platform the petitioner contends that rejection of her nomination is invalid.

Since the election is scheduled on 29-07-2006, no interference is called for at this stage. If the petitioner is aggrieved, she has an efficacious alternative remedy by way of election petition.

In the above circumstances, the writ petition is dismissed at the stage of admission relegating the petitioner to seek the remedy by way of an election petition. No order as to costs.

GODA RAGHURAM,J

28TH JULY 2006
PVSN/*TSNR